

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

COMMONWEALTH EDISON COMPANY	)	
	)	Docket No. 16-0259
	)	
Annual Formula Rate Update and Revenue Requirement	)	
Reconciliation under Section 16-108.5 of the	)	
Public Utilities Act	)	

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**REBUTTAL TESTIMONY OF MICHAEL L. BROSCH  
ON BEHALF OF THE  
PEOPLE OF THE STATE OF ILLINOIS**

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**AG Exhibit 3.0**

**AUGUST 11, 2016**

ILLINOIS COMMERCE COMMISSION DOCKET NO. 16-0259  
DIRECT TESTIMONY OF MICHAEL L. BROSCHE

**TABLE OF CONTENTS**

I.	INTRODUCTION / SUMMARY.....	1
II.	LAWSUIT SETTLEMENT COSTS. ....	1

**I. INTRODUCTION / SUMMARY**

1 **Q. Please state your name and business address.**

2 A. My name is Michael L. Brosch. My business address is PO Box 481934, Kansas  
3 City, Missouri 64148-1934.

4  
5 **Q. Are you the same Michael L. Brosch who previously submitted Direct**  
6 **Testimony on behalf of the Attorney General in this docket?**

7 A. Yes. My Direct Testimony addressed a single issue, the recovery sought by ComEd  
8 of certain 2015 costs that were incurred to settle litigation brought against the  
9 Company in connection with the Telephone Consumer Protection Act ("TCPA").

10

11 **II. LAWSUIT SETTLEMENT COSTS.**

12

13 **Q. Have you reviewed the rebuttal testimony of ComEd witness Anastasia M.**  
14 **Polek-O'Brien and her exhibits<sup>1</sup> that respond to the AG's proposed**  
15 **adjustment to exclude ComEd's 2015 TCPA settlement costs?**

16 A. Yes.

17 **Q. Has your review of ComEd's rebuttal evidence caused you to change your**  
18 **recommendation that ratepayers should now bear the costs of settling this**  
19 **litigation?**

20 A. No.

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<sup>1</sup> ComEd Ex. 11.0.

21 **Q. On August 5, 2016, ComEd filed a Motion to Take Administrative Notice of a**  
22 **“Declaratory Ruling” of the Federal Communications Commission (“FCC”) in**  
23 **CG Docket No. 02-278. Have you reviewed this FCC ruling?**

24 A. Yes.

25 **Q. Has your review of the FCC ruling caused you to change your proposed**  
26 **adjustment denying rate recovery of ComEd’s 2015 TCPA litigation settlement**  
27 **costs?**

28 A. No. The facts related to my adjustment are not changed by the FCC ruling. The  
29 FCC ruling discusses legal issues that I understand will be addressed by the  
30 Attorney General’s Office in its briefs.

31 **Q. Does this conclude your testimony at this time?**

32 A. Yes.